



April 7, 2025

Manya Whitaker
Interim President of the College
via email at president@coloradocollege.edu

Re: Demand to Cease Unjust Discrimination against Young Americans for Freedom

Dear President Whitaker:

I write on behalf of Young America's Foundation (YAF) and our affiliate chapter, Young Americans for Freedom, at Colorado College (CCYAF). I seek your immediate intervention to remedy significant, ongoing unlawful and improper actions by Colorado College (the College) and its student government, over which you have plenary authority, in violation of the College's Freedom of Expression policy and essential due process guarantees.

A. Nonprofit Free Speech Rights

YAF is a nonprofit educational organization duly recognized by the Internal Revenue Service (IRS) as a lawful public charity in accordance with section 501(c)(3) of the IRS Code. As you know, section 501(c)(3) prohibits groups organized thereunder from "participating in, or intervening in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office." For decades the IRS has applied this statutory language to define what constitutes "political activity" to determine whether certain speech may be "partisan" in nature. Accordingly, provided a 501(c)(3) organization refrains from participating in, or intervening in any political campaign on behalf of or in opposition to any candidate for public office, it is perfectly within its rights pursuant to the First Amendment of the U.S. Constitution to share its views on any topic in the public marketplace of ideas.

B. April 8th Di Martino Event

CCYAF is a properly registered and recognized organization at the College and has been working through proper College channels to bring Mr. Daniel Di Martino, a Speaker & Economist from Venezuela living in America, to give a lecture on the topic of open border policies. The event is scheduled to take place tomorrow, April 8, 2025.

Among his many projects, Mr. Di Martino runs “The Dissident Project,” another lawful, recognized 501(c)(3) organization. Mr. Di Martino has been speaking at YAF-organized events on college campuses for many years. Consistent with the law governing nonprofit educational organizations, ***Mr. Di Martino’s lectures are expressly not partisan and have never once been determined by the IRS or any other government regulatory authority to be partisan. He is categorically not a partisan speaker, and his topic at the College on April 8, 2025, is not remotely partisan.*** Instead, the lecture he will give is solely intended to advance CCYAF’s goal of fostering informed discussion and provide fellow students a unique perspective concerning a topic in the public marketplace of ideas presently of great interest to many on campus.

Consistent with its status and rights, CCYAF requested from the College’s Student Government Association (SGA) funds in the amount of \$2,500 to pay for Mr. Di Martino’s honorarium. The SGA bylaws state that it “shall use its Special Events Funds for non-partisan activities, providing these activities are open to or benefit the entire campus.” Under its own bylaws, SGA and its subordinate finance committee were obligated to evaluate CCYAF’s request using this objective criteria. It did not.

At the relevant SGA meeting held on March 26, 2025, SGA President Koray Gates stated, “[t]he argument could be made that [CCYAF’s event] is partisan, because that’s what it sounds like to me.” The SGA denied CCYAF’s request.

In response, Joanna Oster, CCYAF President, reached out to another SGA member to correct this misunderstanding and requested reconsideration at the next SGA meeting scheduled to occur on April 3, 2025:

As you may know YAF’s funding request of \$2,500 for our speaker honorarium was denied on the basis that Daniel Di Martino was assumed to be a partisan speaker. However, Daniel is a non-partisan speaker and YAF as a 501-3c organization is legally required to be non-partisan. There was also no proof or reasoning behind the assumption that Daniel is a partisan speaker in the decision email sent to me. Because this decision was made on false claims, I am hoping the committee can re-evaluate the request as soon as possible.

SGA President Gates then admitted he did not understand the difference between charity work and partisan activity and expressly stated that he was not interested in learning the difference. Once again, he claimed Mr. Di Martino’s speech was “partisan,” stating:

I too am not intimately familiar with the legal requirements of 501(c)(3) organizations, but it is the belief of the Finance Committee that someone speaking about closed borders and other related topics, whether or not YAF is, legally speaking, a partisan organization, falls in the category of a partisan event. Their decision is also based on the belief that this event would harm, rather than benefit, the campus community, and thus no student funds should be used to assist with putting it on.

SGA President Gates further stated he could not think of any event YAF might sponsor that he would vote to approve. In sum, the SGA made it clear it would deny funding for any CCYAF event if even one single student complained of feeling “emotional harm.” Under these wholly capricious standards, the SGA could permanently ban CCYAF from ever receiving funds if any SGA member or College student disagrees with CCYAF’s viewpoint and claims a CCYAF event

might cause result in “emotional harm.” Such action would not only be contemptible, but it would also constitute viewpoint discrimination in violation of the College’s longstanding policy governing free speech and the SGA’s own bylaws.

C. Rampant Impropriety regarding CCYAF Advertising

CCYAF has worked diligently to advertise Mr. Di Martino’s lecture, only to find its posters advertising the event to be the subject of a comprehensive, coordinated campaign of theft and destruction. Students who object to CCYAF’s Di Martino event have been routinely tearing down all of CCYAF’s posters, causing CCYAF President Oster to seek help from Dean Karpilo. She asked Dean Karpilo to send a message to the campus community reminding all students that tearing down posters advertising a speech event authorized by the College is expressly forbidden and may result in disciplinary action. Inexplicably, Dean Karpilo refused:

Subject: Re: Removed and Vandalized Posters

Hello Joanna,
I apologize for the delay in my response.

Unfortunately, we are not going to send a campus-wide email. We find that mass communications for situations like this are often not an effective way to communicate with the community.

As you know, the removal of your marketing without your consent violates our community standards. You can put a note on your marketing that these flyers are authorized by CC, and removal violates the college’s community standards.

Dean Karpilo admitted that “the removal of [CCYAF’s] marketing without [CCYAF’s] consent violates our community standards,” but refused to do anything about it. Instead, she suggested that CCYAF “put a note on your marketing that these flyers are authorized by the College, and removal violates the College’s community standards.” Dean Karpilo’s failure to act is a full abdication of responsibility and is nothing short of disgraceful.

To make matters even worse, the College disingenuously banned CCYAF from placing advertising posters at Palmer Hall, a location where other campus organizations routinely place such posters. When CCYAF members placed posters at Palmer Hall, they were reprimanded by Cathy Buckley, Director of Campus Safety and Emergency Management, who told them the posters could not be placed at Palmer Hall without the prior permission of the Palmer Hall building manager. CCYAF researched the matter and quickly learned from the Office of the Registrar that as of April 2, 2025, that Palmer Hall did “not have a building manager”:

Hi All!

I've done some digging to see if I could find out more about the building managers around campus. It seems that some buildings, especially academic ones, do not have a building manager. However, it seems that the library, Worner, and Robson do. I did find information on the library's building manager, but I had no luck with the others. Apologies!

Here's the library's building manager information: Jenn Sides (jsides@coloradocollege.edu or 719-289-6786).

I hope this helps! Have a good rest of your week!

Best,
Ainsley

AINSLEY HESS, MA
She/Her/Hers
Registrar Systems Administrator
Office of the Registrar
Armstrong 112

The very next day, April 3, 2025, the College suddenly announced to CCYAF that Palmer Hall now has a building manager. In other words, the College engaged in a quick, *ex post facto* exercise to justify its repression of CCYAF's previously authorized advertising actions. This abrupt change reflects the College's animosity to CCYAF's message and constitutes clear evidence the College is intent on discriminating against CCYAF based on its viewpoint. Perversely, when CCYAF complained about theft and destruction of its posters, the College not only did not act to assist CCYAF but instead retaliated against CCYAF by banning its posters at Palmer Hall and taking the side of those who objectively detest free speech.

It must be noted that the College's Freedom of Expression policy states that "Uncensored speech is essential in an academic community and will be vigorously defended." Additionally, the College's policy states that "[u]nlawful disruption of the expression of views by preventing a speaker from expressing views, through violence or the destruction of property, will not be tolerated." Sadly, the College has indeed been tolerating gross improprieties relating to CCYAF's free speech that are in direct violation of the College's own policy.

D. Conclusion

On behalf of YAF, CCYAF, and all friends of the College who fervently believe that a free marketplace of ideas on campus is essential to intellectual growth, I demand the College take immediate action to cease and desist its untoward treatment of CCYAF. The College has a moral, ethical, and legal obligation to enforce its own policies and strive for equal justice for all of its students.

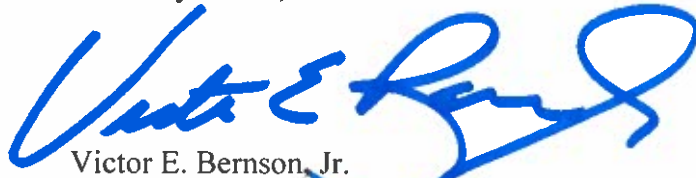
I further demand the College direct the SGA to grant CCYAF's request for funds to pay Mr. Di Martino's honorarium, direct the SGA to cease taking action that violates the College's policies and that exceeds the SGA's limited authority, and educate the members of the SGA concerning free speech law and the SGA's related obligations as set forth by the College:

As a liberal arts college, we are committed to academic freedom, freedom of expression, and the First Amendment, even when the viewpoints expressed are hurtful to some. As an academic institution, we are committed to providing space for conflicting views. We will protect everyone's right to share perspectives and acknowledge emotions. We will not censor opinions or ban groups on campus even when we disagree with them.

The College must be aware of the potential consequences of continuing to perpetuate these wrongs against CCYAF. The SGA's blatant discrimination against CCYAF, the College's failure to enforce its own policy regarding destruction of property (CCYAF posters) apparently because the victims have a conservative viewpoint, and the College's existing "antiracism plan" all suggest a continuing commitment to illegal and immoral "diversity, equity, and inclusion" policies and practices in violation of Title VI and Executive Order No. 14151. Your failure to address the issues raised in this letter might very well subject the College to an investigation by federal authorities and place any federal funds you receive in jeopardy. I trust you will take immediate action to ensure the College remedies its mistreatment of CCYAF, follows all of its own policies in a fair and evenhanded manner going forward, and adopts a new approach to speech and discrimination that is fully compliant with prevailing federal law.

I look forward to your prompt action and thoughtful written reply.

Sincerely Yours,



Victor E. Bernson, Jr.
Vice President & General Counsel

Cc:

Pedro de Araujo
Dean of the College/Chief Operating Officer
via email at pedro@coloradocollege.edu

Chris Melcher
General Counsel
via direct message at <https://www.linkedin.com/in/chris-melcher-bbb18011/>